

The Cannon Falls City Council met in a regular session on Tuesday, September 6, 2016, at 6:30 p.m. in the City Council Chambers. Present were Mayor Robby Robinson and Council Members Jay Sjoblom, Morris Mattson, Cathy Gallups, Merlyce Johnson, and Lynne Berg. Also present were Ron Johnson, City Administrator; Dave Maroney, Community Development Director; Tom Bergeson, Public Works Director; Greg Anderson, City Engineer; and Jeffrey McCormick, Police Chief. Note: Council Member Rodney Holst resigned his position effective August 23, 2016.

Call to Order	Mayor Robinson called the City Council meeting to order at 6:30 p.m.
Pledge of Allegiance	Mayor Robinson led the recitation of the Pledge of Allegiance.
Approval of Agenda	A motion was made by Council Member Johnson, seconded by Council Member Berg and unanimously carried, to approve the Agenda as submitted.
Public Input	Babe O’Gorman, rural Cannon Falls, expressed concerns with regard to Jay Sjoblom’s noncompliance with the nuisance ordinance. Mr. O’Gorman also expressed opposition to a proposed ordinance that would allow the raising of chickens within the City of Cannon Falls.
Police Officer Badge Pinning	Police Chief McCormick described the circumstances that led to the re-hiring of Mitch Althoff as a Cannon Falls Police Officer. Mayor Robinson administered the Oath of Office for Officer Althoff, and Chief McCormick discussed the role of police officers and conducted the badge-pinning ceremony. Officer Althoff expressed appreciation for the opportunity to again serve the City of Cannon Falls. He was welcomed back by the Mayor and Council Members.
Public Hearing: Resolution 2216, Vacating Alley in Block 2, Original Plat	<p>Community Development Director Maroney provided background information regarding a request to vacate an alley located in Block 2, Original Plat and pointed out the area under discussion on a map. The applicant, LeRoy McCusker, had requested the alley vacation, which along with the purchase of additional property would create a residential lot. Director Maroney stated that the purpose of the Public Hearing was to consider the vacation of a 16-foot alley that fronts property that was either currently owned by or would be owned by Mr. McCusker. Director Maroney described significant real estate changes in the area as a result of the realignment of Water Street and clarified that the alley was not publicly used.</p> <p>Mayor Robinson opened the Public Hearing with regard to the request for vacating the alley at 6:40 p.m. No one came forward to speak. Mayor Robinson closed the Public Hearing at 6:41 p.m.</p>

A motion was made by Council Member Johnson, seconded by Council Member Gallups and unanimously carried, to adopt Resolution 2216, vacating an alley.

Cable Franchise
Applications

City Administrator Johnson provided background information with regard to the cable franchise application process. He reported that two applications were received by the August 29 deadline. Administrator Johnson indicated that the purpose of the Public Hearing would be to provide each of the applicants an opportunity to provide information and for the incumbent cable provider to provide additional comments. Following the Public Hearing, the City Council would be asked to direct staff and the consulting attorney, Bob Vose from Kennedy & Graven, to work with the applicant(s) and ultimately bring forward a negotiated franchise agreement.

1. Mayor Robinson opened the Public Hearing at 6:43 p.m.
2. Applicants' Statements / Plans.
 - a. Hiawatha Broadband Communications.

Dan Pecarina, President and CEO of Hiawatha Broadband Communications (HBC), described the history of the company, stating that HBC had been providing advanced fiberoptic networks for 20 years. Mr. Pecarina reported that HBC currently served more than 20 communities in southeastern Minnesota. He commented that Cannon Falls was a major access node on HBC's southern Minnesota fiberoptic ring. He reported that HBC had been nationally recognized for providing great service and for having a strong business reputation. He discussed the differences between HBC and its competitors. He described a local TV channel that HBC provides, which broadcasts local sports and community events throughout southern Minnesota. Mr. Pecarina discussed the advantages, features, and reliability offered by HBC's fiberoptic networks, including cable, internet, and telephone services. He reviewed HBC's proposal to provide an all-fiberoptic network to serve every home and business in the City of Cannon Falls. He reported that HBC was ready to begin providing these services and had identified local office space in which to house customer care installation and technical support personnel.
 - b. Frontier Communications of Minnesota, Inc.

Steven Jones, Lakeville, Minnesota, introduced himself as the General Manager for Frontier Communications. He discussed Frontier's Vantage TV product. He provided background

information with regard to the company and discussed Frontier's core values, including putting the customer first. He reviewed the products that Frontier has been providing to Cannon Falls, including telephone and high-speed internet services. Mr. Jones reported that Frontier employs ten local technicians in the area as well as a network of engineers and central office technicians to support the area. He discussed Frontier's commitment to veterans. He reported that Frontier is a Fortune 500 company, divided into seven different regions across 29 states and employing 29,000 employees. He described Frontier as a leading communications provider in urban, suburban, and rural America. Mr. Jones discussed video services provided to surrounding communities and described the Vantage TV product in detail. He discussed features unique to Vantage TV. Mr. Jones reported that facilities were already in place to begin offering cable services and discussed revenue opportunities that would be available to the City.

Council Member Johnson inquired with regard to fees. Mr. Jones reported that the pricing model had not been set but added that cable services would be competitively priced.

Council Member Gallups inquired whether cable services were currently available through Frontier. Mr. Jones indicated that services could be provided once a video franchise agreement was in place.

3. Incumbent's Comments.

There were no representatives from Mediacom in attendance to provide comments.

4. Mayor Robinson closed the Public Hearing at 7:00 p.m.

5. Council Discussion / Action.

Council Member Johnson commented on the importance of reliable products, prompt customer service, and competitive pricing. She commented that residents of Cannon Falls were not getting their money's worth with Mediacom in terms of products and customer service. Council Member Berg expressed agreement with these comments.

Council Member Berg inquired with regard to next steps. Administrator Johnson indicated that next steps would include directing staff to work with the consulting attorney to review the

applications, complete a report with regard to the applicants' qualifications, and negotiate franchise terms. She commented that she was impressed with the information provided by both applicants.

A motion was made by Council Member Berg to direct staff to move the process forward as discussed. The motion was seconded by Council Member Johnson, a vote was taken, and the motion carried unanimously.

Consent Agenda

- A. Just and Correct Claims – Accounting Period Ending September 1, 2016
- B. Meeting Minutes for August 16, 2016, City Council Meeting
- C. Meeting Minutes for August 16, 2016, City Council Work Session
- D. St. Pius Fall Festival Street Closure
- E. Color Run Approval
- F. Resolution 2214, Declaring a Vacancy on the City Council
- G. Ambulance Position Title Changes
- H. Resolution 2215, Approving Withholding of Sale of Tax-Forfeited Parcel
- I. Application for Payment No. 1 for 2016 Seal Coat Improvements
- J. Change Order for 2016 Street Improvements
- K. Application for Payment No. 4 for 2016 Street Improvements
- ~~L. Introduction and First Reading of Ordinance 347, Amending Chapter 152 of the Cannon Falls City Code, the Zoning Ordinance, Concerning the Residential Business District, the Highway Business District, and Rezoning Property to B-2. Pulled by Council Member Berg~~

Mayor Robinson reported that Rodney Holst resigned his City Council seat effective on August 23, 2016. He commented that he was in the process of seeking candidates to bring forward for Council approval to fill the vacancy and complete the remainder of the term.

A motion was made by Council Member Mattson, seconded by Council Member Johnson and unanimously carried, to approve the Consent Agenda as submitted, minus Item L.

TH 19 Crosswalk and
Sidewalk
Improvement Bids

City Engineer Anderson provided background information regarding the Highway 19 crosswalk and sidewalk improvements and reviewed the results of the bidding process and alternates. He reported that two bids were received, with the low bid being submitted by S.M. Hentges & Sons, Inc. Timing of the project was discussed. City Engineer Anderson commented that more bids and better price quotes might be received if completion of the project was delayed

until next spring. City Engineer Anderson stated his understanding that MnDOT should be in agreement with this plan.

A motion was made by Council Member Berg, seconded by Council Member Johnson, to delay awarding of the project until next spring and to initiate a new bidding process. The motion was carried unanimously.

Introduction and First
Reading of Ordinance
346, Authorizing Sale
of City-Owned Real
Property

Director Maroney provided background information regarding a request to purchase city-owned property and pointed out the area under discussion on a map. He reported that, with the vacation of the alley approved earlier in the meeting, LeRoy McCusker would be interested in purchasing a remnant piece of property from the City in order to create a buildable lot. Director Maroney commented that the proposal was discussed by the Public Works Commission and that the recommended land sale price of \$500 was consistent with a previously sold parcel.

A neighbor of LeRoy McCusker, Charles Theis, commented that he was not opposed to the land sale but expressed concerns that the land sale could interfere with a prior easement agreement and shared driveway. Director Maroney commented that if this was a recorded easement against the real estate, it would be retained. If it was not a recorded easement, the Council may choose to address this concern prior to transfer of the property. Mr. Theis stated that he had no issues with Mr. McCusker but stated that he was concerned about potential future impacts if the property was sold. Director Maroney pointed out the location of the driveway. Director Maroney recommended proceeding with the introduction and first reading of Ordinance 346 and then doing research and resolving the issue prior to the second reading and adoption of Ordinance 346.

A motion was made by Council Member Berg, seconded by Council Member
Gallups and unanimously carried, to approve the First Reading of Ordinance 346 and to conduct further research related to the easement prior to the Second Reading and Adoption of Ordinance 346.

Introduction and First
Reading of Ordinance
347, Amending
Chapter 152 of the
Cannon Falls City
Code, the Zoning
Ordinance,
Concerning the

Council Member Berg requested additional information and clarification of the proposed ordinance that would rezone certain property. Director Maroney provided background information and rationale for the proposed rezoning and Zoning Code amendments. He discussed the Public Hearing that was held by the Planning Commission on August 29 concerning the proposed zoning

Residential Business District, the Highway Business District, and Rezoning Property to B-2.

amendments to two zoning districts, the Residential Business District and the B-2 Highway Business District, as well as the rezoning of three parcels. He reported that, in conjunction with the development of the new medical center, three parcels were rezoned in 2012 to allow certain types of medical-related developments. As nothing has occurred with regard to development of these properties, it has been proposed to rezone these properties back to their original B-2 zoning and eliminate the Medical Campus PUD District classification.

Director Maroney then described a proposed zoning amendment to the B-2 zoning districts to allow additional limited industrial uses, subject to approval of a Conditional Use Permit. He provided examples of the additional uses that would be allowed by CUP. He clarified that there would be no residential development included in the zoning amendment for the B-2 area. He stated that the zoning amendment would expand the ability of landowners to develop their properties for certain limited industrial uses with the issuance of a Conditional Use Permit.

Director Maroney referenced the zoning amendment related to the Residential Business District and stated that staff and the Planning Commission recommend adoption of Ordinance 347.

A motion was made by Council Member Sjoblom, seconded by Council Member Gallups and unanimously carried, to approve the Introduction and first reading of Ordinance 347.

Staff Reports

Director Maroney reported that the Planning Commission would not be meeting during September.

City Engineer Anderson provided an update with regard to the street improvement project, reporting that it was proceeding on schedule.

Public Works Director Bergeson clarified that tree trimming personnel have been contracted by Xcel Energy and have no affiliation with the City of Cannon Falls. Council Member Berg expressed dissatisfaction with how the tree trimming process was being conducted, stating that this adversely affects the aesthetic appearance of the City. Mayor Robinson recommended providing feedback to Xcel Energy. Director Bergeson invited residents to contact him with comments related to the tree trimming process. Administrator Johnson indicated that he would contact Xcel Energy to discuss concerns.

Council Member Mattson inquired with regard to alley paving. Director Bergeson indicated that alley paving had been done as needed and in conjunction with street improvement projects.

Chief McCormick reported that river levels were being monitored. He commented with regard to Police Department assistance with a successful bicycle safety activity during the final First Thursday event for the year on September 1.

Administrator Johnson provided a reminder with regard to the Budget Workshop on September 15. He reported that Goodhue County was working with new software to provide tax capacity information.

Mayor and Council
Reports

Council Member Gallups commented with regard to the new trail out to Lake Byllesby.

Council Member Sjoblom inquired regarding a problem area of Hoffman Street just west of Seventh Street North. Director Bergeson indicated that this area would be repaired.

Mayor Robinson encouraged eligible and interested candidates to complete an application for the vacant City Council seat.

Adjournment

The meeting adjourned at 7:36 p.m.

Adopted by the City Council of the City of Cannon Falls on the 20th day of September, 2016.

Lyman M. Robinson, Mayor

ATTEST:

Ronald S. Johnson, City Administrator